

## Position List—Continued

## Position List—Continued

Agency and organization	Career reserved positions
	Dir Finance Staff. Deputy Assistant Attorney General. Special Asst to the Asst Attorney Gen for Adm. Deputy Assistant Attorney General. Dir Library Staff.
LABOR:	
Ofc of the Inspector General.	Dir Ofc of Loss Prevention and Analysis.
OAS for Administration and Management.	Dir Ofc of Information Technology. Deputy Comptroller.
Planning Evaluations and Systems.	Director, Office of Management.
Data Analysis .....	Assoc Comr for Prices and Living Conditions.
MSPB:	
Ofc of Managing Director.	Deputy Managing Director.
Ofc of Appeals Operations.	Dir Ofc of Appeals.
Ofc of Special Counsel.	Assoc Spec Counsel (Investigations). Assoc Special Counsel (Prosecution and Legal).
NASA:	
Space Systems Div...	Manager, Transportations Systems Office.
Aeronautical Systems Div.	Manager for Propulsion.
Life Sciences Div.....	Assoc to the Dir, Life Sciences Div.
Space Shuttle Orbiter Program Ofc.	Asst Manager Space Shuttle Orbiter Project.
Spacelab Payload Project Ofc.	Manager, 25 kw Power Module Project.
Assoc Dir for Engineering.	Assoc Dir for Engineering.
NCPG: National Capital Planning Commission.	Assoc Exec Dir Regional Affairs. Assoc Exec Dir D.C. Affairs.
MLRB: Div of Administration.	Deputy Director of Administration.
NTSB:	
Bureau of Accident Investigation.	Deputy Director for Operations. Dep Dir for Management.
Bureau of Technology.	Deputy Director for Operations. Dep Dir for administration/Special Programs.
NRC:	
Fuel Cycle Safety and Licensing.	Chf Uranium Fuel Licensing Br. Chf Advanced Fuel and Spent Fuel Licensing Br.
Waste Management..	Chief Low-Level Waste License Br.
OMB:	
Natl Security Div.....	Dep Div Chf for Programming.
Energy and Science Division.	Chief, Science and Space programs.
Management Improvement and Evaluation Div.	SR Mgmt Assoc. Senior Management Associate.
Intergovernmental Relations and Tech Assistance Div.	Chf, Fed Assistance Information Branch.
Ofc of Federal Procurement Policy.	Dir Federal Acquisition Institute.
SSS: Selective Service System	Assoc Director, Planning.
DOT:	
U.S. Coast Guard .....	Technical Director.
Ofc of Assoc-Admr for Aviation Standards.	Deputy Assoc Admr for Aviation Standards.
Ofc of Aviation Safety.	Chf, Safety Regulations Staff.
Civil Aviation Security Service.	Director, Office of Civil Aviation Security.
Flight Standards Service.	Dir Ofc of Flight Operations. Chf Aircraft Programs Division. Chief, Flight Standards Natl Field Ofc. Chief General Aviation and Commercial Div. Director Office of Airworthiness. Chief, Aircraft Engineering Division. Chief, Aircraft Maintenance Division. Chief Flight Standards Division.
New England Region—FAA.	

Agency and organization	Career reserved positions
Northwest Region—FAA.	Chief Flight Standards Division.
Central Region—Kansas City.	Chief, Flight Standards Div.
TREAS:	
Comptroller of the Currency.	Regional Administrator of National Banks. Asst Chf Natl Bank Exam (Multinat Banking). Dir for Spec Projects. Deputy Fiscal Asst Secy. Assoc Commr, Bur of Gov Financial Operations.
Ofc of the Fiscal Asst Sec.	Comm'r of Government Financial Operations. Dep Commr Bur of Gov Financial Operations.
Bureau of Governments Financial Operations.	Regional Director for Investigations.
Bur of Alcohol, Tobacco, Firearms.	
Bur of Alcohol, Tobacco, Firearms.	Regional Director for Investigations.
U.S. Customs Service.	Special Asst to the Dir. Assistant Director (Internal Affairs). Assistant Commissioner (Investigations). Director, Ofc of Inspection. Director, Technical Services Div. Director, Classification and Value Division. Dir Ofc of Regulations and Rulings. Director, Planning and Budget Division. Dir, Ofc of Financial Management & Prog Eval. Dep Asst Commr (Border Operations). Dir Ofc of Trade Operations. Asst to the Dir, Training. Asst to the Dir, Pub Affs. Asst Dir, Collection Div.
U.S. Secret Service...	
Asst Commr, Technical.	Assoc District Director.
Asst Commr, Tax Payer Serv and Returns Processing.	Director, Collection Division. Dir, Returns Processing and Accounting Div.
Ofc of the Asst Commr (Data Services).	Dir Systems Development Office.
Ofc of Asst Commr, Inspection.	District Dir, Baltimore.
Central Region.....	Service Center Director, Fresno.
Mid-Atlantic Region.....	Asst District Dir, Newark.
Midwest Region.....	Regional Commr, Midwest Region. District Dir, Chicago.
North Atlantic Region	Regional Dir of Appeals North Atlantic Region.
Western Region.....	Service Center Dir, Ogden.
Employee Plans and Exempt Organizations.	Dir Employee Plans Division.
USACD:	
Non-Proliferation Bureau.	Chief, Nuclear Exports Div.
Weapons Evaluation Control Bureau.	Chf, Arms Transfer Div.
VA: Department of Medicine and Surgery.	Dep to Asst Chf Med Dir for Academic Affairs. Dep Dir, Facility Mgmt Ofc.

[FR Doc. 80-6790 Filed 3-3-80; 8:45 am]

BILLING CODE 6325-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 21455; 70-6427]

## Central and South West Corp. et al.; Proposed Capital Contribution by Holding Company to Subsidiaries

February 26, 1980.

In the matter of Central and South West Corporation, 2700 One Main Place, Dallas, Texas 75250; Central Power and Light Company, 102 North Chaparral Street, Corpus Christi, Texas 78401; Public Service Company of Oklahoma, 212 East 6th Street, Tulsa, Oklahoma 74119; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; (70-6427).

Notice is hereby given that Central and South West Corporation ("CSW"), a registered holding company, and three of its subsidiaries, Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), and Southwestern Electric Power Company ("SWEPCO"), have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CSW proposes to make capital contributions during 1980 of \$30,000,000 to CPL, \$40,000,000 to PSO and \$45,000,000 to SWEPCO. The capital contributions will, in each case be added to the respective operating companies' common equity and will be used to repay short-term debt to be incurred in connection with 1980 construction expenditures which are shown in the table below. It is anticipated that equity contributions would be made in the time periods and in the amounts shown below:

Company	Month	Amount	Anticipated short-term debt outstanding at time of contribution	Anticipated 1980 construction program
PSO .....	March .....	Up to \$40,000,000 .....	\$90,000,000	\$197,000,000
CPL .....	August .....	\$30,000,000 .....	75,000,000	198,000,000
PSO .....	August .....	Amount, if any, not contributed in March.	80,000,000	197,000,000
SWEPCO .....	June .....	\$45,000,000 .....	75,000,000	172,000,000

By an order dated October 25, 1979 (HCAR No. 21269), this Commission authorized CPL, PSO and SWEPCO to incur short-term borrowings not to exceed \$100,000,000, \$90,000,000 and \$75,000,000 respectively, through December 31, 1980.

CSW presently anticipates a sale of 5,000,000 shares of its common equity in August or September of 1980 which ultimately would finance the proposed equity contribution together with proceeds from the sale of new issue common stock under dividend reinvestment, employee share ownership and thrift plans, all of which were previously approved by this Commission (HCAR Nos. 19850, 19710, 20675 and 20742). CSW proposes to finance any of the capital contributions that are made prior to its issuance of common stock to the public from the sale of its commercial paper or other short-term borrowings authorized in HCAR No. 21150 or as may be further authorized in the future.

It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$2,550, including legal fees of \$500.

Notice is further given that any interested person may, not later than March 24, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will

receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 80-6633 Filed 3-3-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21454; 70-6412]

**Southern Co.; Proposal To Increase Number of Authorized Common Shares; Solicitation of Proxies**

February 26, 1980.

Notice is hereby given that The Southern Company ("Southern"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Southern proposes to amend its Certificate of Incorporation so as to increase the total number of shares of common stock, par value \$5.00 per share, which Southern shall have authority to issue, from 185,000,000 to 225,000,000. Of the 185,000,000 shares which Southern presently is authorized to issue, 148,744,837 shares were outstanding as of December 31, 1979. During the three-year period 1977 through 1979, Southern issued and sold 25,938,204 shares of common stock in order to provide its operating subsidiaries the additional common equity portion of the capital needed to finance their construction programs. In light of the current construction program estimates of Southern's subsidiary companies, it is expected that their requirements for receipts of common stock capital from Southern will continue in future years and that in the period 1980 through 1982 Southern will be required for such purposes to sell additional shares of its common stock approaching, if not exceeding, the number of its presently authorized but unissued shares.

Accordingly, the proposed amendment is considered necessary to provide a reasonable amount of

authorized but unissued shares of common stock to be used for financing additional common equity capital requirements of Southern's subsidiaries and for other purposes, such as The Employee Stock Ownership Plan of The Southern Company System and investments by stockholders under Southern's Dividend Reinvestment and Stock Purchase Plan and by employees under the Employee Savings Plan. The proposed amendment to the Certificate of Incorporation has been proposed and declared advisable by the Board of Directors of Southern and its adoption requires the favorable vote of the holders of a majority of the outstanding shares of common stock of Southern. Accordingly, Southern proposes to submit the amendment for consideration and action by its stockholders at the annual meeting of such stockholders to be held on May 28, 1980 and, in connection therewith, to solicit proxies from its stockholders.

A statement of the fees, commissions and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 20, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in

this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 80-6634 Filed 3-3-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16605; File No. S7-611]

### Lost and Stolen Securities Program; Announcement of Inquiry, Participation Status Open Season

The Commission today announced that all institutions subject to Rule 17f-1 (17 CFR 240.17f-1) and currently registered in the Lost and Stolen Securities Program ("registrants") may change their inquiry participation status to that of direct or indirect inquirer, as the case may be, by filing, during the two-week period of March 1 through March 15, 1980, a completed March 1980 Inquiry Participation Status Open Season Form with Securities Information Center, Inc. ("SIC"), the Commission's designee to maintain and operate the data base for the Lost and Stolen Securities Program. The effective date of changes in inquiry participation status will be March 1, 1980. SIC will forward a March 1980 Inquiry Participation Status Open Season Form to each registrant by March 1, 1980. If you do not receive a form shortly thereafter, please notify SIC at P.O. Box 421, Wellesley Hills, Massachusetts 02181.

By the Commission.

George A. Fitzsimmons,  
Secretary.

February 22, 1980.

[FR Doc. 80-6858 Filed 3-3-80; 8:45 am]

BILLING CODE 8010-01-M

### SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0168]

### Gulf Coast Capital Corp.; Issuance of License

On July 24, 1979, a notice was published in the *Federal Register* (44 FR 43381) stating that an application had been filed by Gulf Coast Capital Corporation, 70 North Baylen Street, Pensacola, Florida 32501, with the Small Business Administration (SBA), pursuant to Section 107.102 of the SBA Regulations governing small business investment companies (SBIC).

Interested parties were given until the close of business August 8, 1979, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to Section 301(C) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, the SBA issued License No. 04/04-0168 to Gulf Coast Capital Corporation to operate as an SBIC on February 19, 1980. (Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: February 22, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-6637 Filed 3-3-80; 8:45 am]

BILLING CODE 8025-01-M

### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Establishment of Advisory Committees for Services and Steel Policy

The U.S. Trade Representative has taken steps to establish a Services Policy Advisory Committee and an International Steel Policy Advisory Committee. These committees will be chartered pursuant to Section 135(c)(2) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1996), as amended by Section 1103 of the Trade Agreements Act of 1979 (P.L. 96-39, (93 Stat. 308); the Federal Advisory Committee Act (5 USC App. 1) (Sup. II, 1972); and Section 4(d) of Executive Order No. 11846, March 27, 1975. The charters of these committees will be filed 15 days from the date of this notice.

The Services Committee will advise, consult with, and make recommendations to the U.S. Trade Representative and the Secretary of Commerce, Secretary of Agriculture, and the Secretary of Labor on policy issues related to trade in services.

The International Steel Policy Advisory Committee will advise, consult with and make recommendations to the U.S. Trade Representative, the Secretary of Commerce, and the Secretary of Labor on steel trade policy issues including issues related to the operation of, and discussed in the OECD Steel Committee.

The Committees will meet at irregular intervals at the call of the U.S. Trade Representative. The frequency of committee meetings will be approximately three or four times per

year, depending upon the needs of the U.S. Trade Representative.

Representatives from the private sector wishing further information or to be considered for appointment to serve on the committees should contact:

Services Policy Advisory Committee:  
Ms. Phyllis O. Bonanno, 1800 G St., N.W., Room 725, Washington, D.C. 20506, (202) 395-6120.

International Steel Policy Advisory Committee: Ms. Karen Alleman, 1800 G St., N.W., Room 725, Washington, D.C. 20506, (202) 395-3320.

Robert C. Cassidy, Jr.,  
General Counsel.

[FR Doc. 80-6864 Filed 3-3-80; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register

Vol. 45, No. 44

Tuesday, March 4, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

### Federal Election Commission

#### FEDERAL ELECTION COMMISSION.

**DATE AND TIME:** Tuesday, March 4, 1980 at 10 a.m.

**PLACE:** 1325 K Street NW., Washington, D.C.

**STATUS:** Portions of the meeting be closed to the public and portions will be open to the public. (The open portion will follow the conclusion of the closed session.)

#### MATTERS TO BE CONSIDERED:

Closed session—Compliance and personnel.

Open meeting—Public Law 96-187, proposed draft forms.

**DATE AND TIME:** Thursday, March 6, 1980 at 10 a.m.

**STATUS:** This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.

Correction and approval of minutes.

Certifications.

Advisory opinions:

Draft AO 1979-45—Robert Moore, Executive Director, National Republican Senatorial Committee.

Draft AO 1980-5—Jesse H. Bankston, Chairman, Democratic State Central Committee of Louisiana.

Draft AO 1980-8—Donald A. Detmer, Treasurer, Beloit Corporation PAC.

Draft AO 1980-10—Janet M. Hogan, Director, Public Affairs (United TeleCom, PAC/UniPAC).

Draft AO 1980-11—Rufus C. Phillips, III.

1980 election and related matters

Non-filer procedures (continued from February 7)

Appropriations and budget

Pending legislation

Classification actions

Routine administrative matters

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, public information officer, telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-428-80 Filed 2-29-80; 9:29 am]

BILLING CODE 6715-01-M

# Test Report Federal Register

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Tuesday  
March 4, 1980

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## Part II

### Department of Labor

Employment and Training Administration  
Employment Standards Administration

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Housing for Agricultural Workers

**DEPARTMENT OF LABOR****Employment and Training  
Administration****20 CFR Parts 620, 651, 653, 654, and  
655****Housing for Agricultural Workers****AGENCY:** Employment and Training  
Administration, Labor.**ACTION:** Final rule.

**SUMMARY:** This document rennumbers and transfers the Employment and Training Administration (ETA) housing standards from 20 CFR Part 620 to Subpart E of Part 654. In addition, the Department of Labor is amending its rules to allow for the continued application of the ETA standards with respect to housing which was built in reliance on these standards. Such housing will continue to be accepted by ETA, and will also be accepted by the Occupational Safety and Health Administration (OSHA) as in compliance with their temporary labor camp standards. Thus, any discrepancies which exist between the ETA and OSHA standards will be considered de minimis under § 9(a) of the OSH Act. Both ETA and OSHA will require employers who undertake housing construction on or after April 3, 1980 to follow the OSHA standards.

**EFFECTIVE DATE:** April 3, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. David O. Williams, Administrator, U.S. Employment Service, 601 D Street, N.W., Room 8000, Washington, D.C. 20213. Telephone (202) 376-6289.

**SUPPLEMENTARY INFORMATION:** On September 1, 1978, the Department of Labor published in the *Federal Register* proposed amendments to the Employment and Training Administration (ETA) housing standards in 20 CFR Part 620. (See, 43 FR 39124). The proposed modifications would provide for the continued application of the ETA standards to housing built prior to January 1, 1979 in reliance on the ETA standards. Comments on the proposed modifications were invited until October 31, 1978. Following is a discussion of the background of the proposed rulemaking and the most significant issues raised by the commenters.

**Background**

Since 1971, the Department of Labor has had in effect two sets of housing regulations which apply to housing for agricultural workers: the Employment and Training Administration (ETA) regulations in 20 CFR Part 620 and the

Occupational Safety and Health Administration (OSHA) regulations in 29 CFR 1910.142. The overlap in these regulations resulted in confusion and duplication with respect to their applicability and enforcement. In view of these problems, the Department held hearings and developed several proposals to arrive at a single set of housing standards. See, e.g., 37 FR 743 (January 18, 1972), 37 FR 2684 (February 4, 1972), 39 FR 34057 (September 23, 1974) and 41 FR 18430 (May 4, 1976).

On December 9, 1977, the Department rescinded the ETA housing regulations in 20 CFR Part 620 (42 FR 62133). The rescission was effective immediately. Employers whose housing met the ETA standards on the date of their rescission, however, were given until January 1, 1979 to bring their housing into compliance with the OSHA housing regulations in 29 CFR 1910.142. For the convenience of employers who could still elect to follow the ETA standards, ETA subsequently republished its standards in 20 CFR 620.3-620.17 (43 FR 36058, August 15, 1978).

The Department received numerous complaints objecting to the rescission of the ETA housing regulations. Employers who had constructed housing to conform to the ETA standards complained that the shift from ETA to OSHA standards would require costly modifications to housing which the Department had previously approved as safe and healthful. Worker groups and representatives, unaware of the controlling enforcement provisions in 20 CFR 653.108, objected to the deletion of 20 CFR 620.1 which had stated ETA's policy of denying its interstate recruitment services to employers until the State agency had ascertained that the housing met applicable standards.

In response to these comments, the Department proposed on September 1, 1978 to revise the December 9, 1977 rescission action. The proposal restated ETA's policy of denying its interstate recruitment services until the State agency ascertains that the housing meets applicable standards, and set forth a transitional provision for housing built in reliance on the ETA regulations. Pending the conclusion of this rulemaking procedure, the Department also extended indefinitely the deadline for employers following the ETA standards to bring their housing into compliance with the OSHA regulations. See 44 FR 4666 (January 23, 1979). Following careful consideration of the comments received, the Department is adopting the proposed modifications substantially without change.

**Transitional Provision**

Commenters remarking on the application of the ETA standards were unanimous in their support of the proposed transitional provision. They agreed with the Department that the continued application of the ETA standards to housing constructed in reliance on these standards would be fair to affected employers and would not impair the overall safety and health protection of affected workers. The final regulation therefore establishes a transitional provision.

In view of the delay in publishing these final regulations, the Department has extended the proposed cutoff dates for the application of the transitional provision to coincide with the effective date of these regulations (April 3, 1980). Employers whose housing was completed or under construction prior to the effective date of these regulations, or who entered a contract for the construction of specific housing prior to the date of publication, may continue to follow the ETA standards in 20 CFR 654.404-654.417. Both ETA and OSHA will require employers who undertake housing construction on or after April 3, 1980 to follow the OSHA standards in 29 CFR 1910.142. However, the ETA guidelines for mobile range housing will continue to apply to this type of agricultural housing.

**Structural Variances From the ETA Standards**

In the past, it was ETA's practice, under certain circumstances, to accept applications for and grant structural variances from specific requirements of the ETA standards on a seasonal basis only. In contrast, the final regulations adopt the proposed one-time request for a permanent structural variance from specified ETA standards. Such a permanent, structural variance will operate in the nature of a contract for the life of the housing.

Under the final regulations, written applications for a structural variance from specific ETA standards must be submitted on or before June 2, 1980. After that date, ETA will no longer accept applications for variances from its standards. Thereafter, any employer whose housing varies structurally from the ETA standards and who has not timely applied for a structural variance from the ETA standards will be subject to the full set of OSHA standards in 29 CFR 1910.142.

**Conditional Access to the Intrastate or Interstate Clearance System**

Under previous regulations in 20 CFR 620.3, ETA permitted limited,

conditional access to the interstate clearance system for employers whose housing had fallen temporarily out of compliance during a period of nonuse. Such conditional access was limited to situations in which the housing had been in compliance with the ETA standards during a period of use in the previous year, and where the employer had not had an opportunity to bring the housing back into compliance. This provision was inadvertently omitted when the ETA regulations were republished on August 15, 1978. A number of commenters responding to the instant rulemaking pointed out this omission and suggested that ETA continue to provide conditional access to its interstate clearance system.

The Department agrees that there is a need for a conditional access provision to effectively service employers requesting recruitment of workers from outside the area of intended employment. For example, frequently it is necessary to begin recruiting workers during winter months, when climate precludes making repairs, for employment the following spring. The need for such conditional access may arise irrespective of whether the employer is following ETA or OSHA standards. The final regulations therefore provide for limited, conditional access to the intrastate and interstate recruitment system for an employer who has not had a reasonable opportunity to bring its housing back into compliance with the applicable standards.

#### Policy on Enforcement of Housing Standards

Some commenters urged the Department to require by regulation that State agencies conduct preoccupancy housing inspections before providing employers with intrastate and interstate recruitment services. Others recommended that employers be required to certify in writing that the housing offered meets applicable standards. The Department has taken the position in the final regulations that State agencies must ascertain compliance with the applicable regulations through a combination of employer assurances and preoccupancy inspections.

Under 20 CFR 653.108, employers who wish to utilize the intrastate and interstate clearance system under the Wagner-Peyser Act must sign an assurance, a preoccupancy inspection must be conducted and the ES staff must ascertain that the housing meets the applicable standards. In addition, pursuant to 20 CFR 653.110, the State agencies conduct random, unannounced post-occupancy field checks to

determine and document whether housing conditions are as specified in job orders.

OSHA will also continue to inspect and otherwise exercise its jurisdiction over temporary labor camps. Where the ETA standards apply, OSHA citations will issue under OSHA standards for conditions which are violative of the ETA standards at 20 CFR 654.404-654.417 to the extent that such conditions are also violative of the OSH Act and regulations. In addition, OSHA citations will issue under OSHA standards for conditions other than housing which are violative of the OSH Act but which are not covered by the ETA standards at 20 CFR 654.404-654.417. Where the OSHA standards apply, citations will issue under OSHA standards for all conditions which are violative of the OSH Act.

#### Renumbering of ETA Housing Standards

In order to further consolidate the various regulations governing the employment service system, this document rennumbers and transfers the ETA housing standards from 20 CFR Part 620 to Subpart E of Part 654.

#### Regulatory Analysis

Although the proposed regulations were developed prior to the issuance of the Department's Guidelines on Improving Government Regulations, these regulations have been duly considered and approved as meeting the Department's criteria for significant regulations. Since the financial and other impact is less than specified in the Department's criteria for identifying major regulations, however, the preparation of a regulatory analysis is not required. (See, 44 FR 5576-5577, January 26, 1979).

Accordingly, Title 20, Chapter V of the Code of Federal Regulations is amended as follows:

#### PART 620—HOUSING FOR AGRICULTURAL WORKERS

##### § 620.3 [Revoked]

1. § 620.3, *Variations*, is revoked.

##### §§ 620.4-620.17 [Redesignated]

2. In 20 CFR Chapter V, the Housing Standards set forth at §§ 620.4-620.17 of Part 620 are consecutively redesignated as §§ 654.404-654.417 of Part 654.

#### PART 651—GENERAL PROVISIONS GOVERNING THE EMPLOYMENT SERVICE SYSTEM

##### § 651.6 [Amended]

3. § 651.6, *Consolidated table of contents for Parts 651-658*, is amended by vacating and reserving a table of

contents for Subpart C of Part 654, reserving a table of contents for Subpart D of Part 654, and inserting a table of contents for Subpart E of Part 654 as follows:

##### § 651.6 Consolidated table of contents for Parts 651-658.

\* \* \* \* \*

#### PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM

\* \* \* \* \*

Subpart C—[Reserved]

Subpart D—[Reserved]

Subpart E—Housing for Agricultural Workers

##### Purpose and Applicability

Sec.

654.400 Scope and purpose.

654.401 Applicability; transitional provisions.

654.402 Variances.

654.403 Conditional access to the intrastate or interstate clearance system.

##### Housing Standards

654.404 Housing site.

654.405 Water supply.

654.406 Excreta and liquid waste disposal.

654.407 Housing.

654.408 Screening.

654.409 Heating.

654.410 Electricity and lighting.

654.411 Toilets.

654.412 Bathing, laundry, and handwashing.

654.413 Cooking and eating facilities.

654.414 Garbage and other refuse.

654.415 Insect and rodent control.

654.416 Sleeping facilities.

654.417 Fire, safety, and first aid.

\* \* \* \* \*

#### PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

4. Paragraph (c)(6) of § 653.108, *Requirements for intrastate and interstate job orders seeking agricultural workers*, is revised to read as follows:

##### § 653.108 [Amended]

\* \* \* \* \*

(c) \* \* \*

(6) If the workers are to be housed, the employer has signed an assurance, a preoccupancy inspection has been conducted and the ES staff has ascertained that the employer's housing meets either the full set of standards set forth at 29 CFR 1910.142 or the full set of standards set forth at Part 654, Subpart E of this Chapter, whichever is applicable under the criteria of 20 CFR 654.401; except that, for mobile range housing for sheepherders, the housing shall meet existing Departmental guidelines.

5. Paragraph (d)(2) of § 653.108 is revised to read as follows:

\* \* \*

(d) \* \* \*

(2) The employer has signed an assurance, a preoccupancy inspection has been conducted and the ES staff has ascertained that the employer will provide housing for the workers which meets either the full set of standards set forth at 29 CFR 1910.142 or the full set of standards set forth at Part 654, Subpart E of this Chapter, whichever is applicable under the criteria of 20 CFR 654.401; except that, for mobile range housing for sheepherders, the housing shall meet existing Departmental guidelines.

#### **PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM**

6. The table of contents for Part 654 is amended by vacating and reserving a table of contents for Subpart C of Part 654, reserving a table of contents for Subpart D of Part 654, and inserting a table of contents for Subpart E of Part 654 as follows:

\* \* \*

#### **Subpart C—[Reserved]**

#### **Subpart D—[Reserved]**

#### **Subpart E—Housing for Agricultural Workers**

##### **Purpose and Applicability**

Sec.

654.400 Scope and purpose.

654.401 Applicability; transitional provisions.

654.402 Variances.

654.403 Conditional access to the intrastate or interstate clearance system.

##### **Housing Standards**

654.404 Housing site.

654.405 Water supply.

654.406 Excreta and liquid waste disposal.

654.407 Housing.

654.408 Screening.

654.409 Heating.

654.410 Electricity and lighting.

654.411 Toilets.

654.412 Bathing, laundry, and handwashing.

654.413 Cooking and eating facilities.

654.414 Garbage and other refuse.

654.415 Insect and rodent control.

654.416 Sleeping facilities.

654.417 Fire, safety, and first aid.

Authority: Section 12 of the Wagner-Peyser Act, (29 U.S.C. 49k); 41 Op. A.G. 406 (1959).

7. In Part 654, Subpart C—Transition Provisions is vacated and reserved and a Subpart D is reserved as follows:

#### **Subpart C [Reserved]**

#### **Subpart D [Reserved]**

8. A new Subpart E of Part 654, consisting of new Purpose and Applicability provisions in §§ 654.400–654.403 and redesignated Housing Standards in §§ 654.404–654.417, is added to read as follows:

#### **Subpart E—Housing for Agricultural Workers**

##### **Purpose and Applicability**

##### **§ 654.400 Scope and purpose.**

(a) This subpart sets forth the Employment and Training Administration standards for agricultural housing. Local Job Service offices, as part of the State employment service agencies and in cooperation with the United States Employment Service, assist employers in recruiting agricultural workers from places outside the area of intended employment. The experiences of the employment service indicate that employees so referred have on many occasions been provided with inadequate, unsafe, and unsanitary housing conditions. To discourage this practice, it is the policy of the Federal-State employment service system, as set forth in § 653.108 of this Chapter, to deny its intrastate and interstate recruitment services to employers until the State employment service agency has ascertained that the employer's housing meets certain standards.

(b) To implement this policy, § 653.108 of this Chapter provides that recruitment services shall be denied unless the employer has signed an assurance, a preoccupancy inspection has been conducted and the ES staff has ascertained that, with respect to intrastate clearance, if the workers are to be housed, the employer's housing meets or, with respect to interstate clearance, that the employer will provide housing for the workers which meets either the full set of standards set forth at 29 CFR 1910.142 or the full set of standards set forth in this Subpart, whichever is applicable under the criteria set forth in § 654.401; except that for mobile range housing for sheepherders, the housing shall meet existing Departmental guidelines.

##### **§ 654.401 Applicability; transitional provisions.**

(a) Employers whose housing was constructed in accordance with the ETA housing standards may continue to follow the full set of ETA standards set forth in this Subpart only where prior to April 3, 1980 the housing was completed or under construction, or where prior to

March 4, 1980 a contract for the construction of the specific housing was signed.

(b) To effectuate these transitional provisions, agricultural housing to which this Subpart applies and which complies with the full set of standards set forth in this Subpart shall be considered to be in compliance with the Occupational Safety and Health Administration temporary labor camp standards at 29 CFR 1910.142.

##### **§ 654.402 Variances.**

(a) An employer may apply for a permanent, structural variance from a specific standard(s) in this Subpart by filing a written application for such a variance with the local Job Service office serving the area in which the housing is located. This application must be filed by June 2, 1980 and must:

(1) Clearly specify the standard(s) from which the variance is desired;

(2) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship; and

(3) Clearly set forth the specific alternative measures which the employer has taken to protect the health and safety of workers and adequately show that such alternative measures have achieved the same result as the standard(s) from which the employer desires the variance.

(b) Upon receipt of a written request for a variance under paragraph (a) of this section, the local Job Service office shall send the request to the State office which, in turn, shall forward it to the Regional Administrator, Employment and Training Administration (RA). The RA shall review the matter and, after consultation with OSHA, shall either grant or deny the request for a variance.

(c) The variance granted by the RA shall be in writing, shall state the particular standard(s) involved, and shall state as conditions of the variance the specific alternative measures which have been taken to protect the health and safety of the workers. The RA shall send the approved variance to the employer and shall send copies to the Regional Administrator of the Occupational Safety and Health Administration, the Regional Administrator of the Employment Standards Administration, and the appropriate State agency and the local Job Service office. The employer shall submit and the local Job Service office shall attach copies of the approved variance to each of the employer's job orders which is placed into intrastate or interstate clearance.

(d) If the RA denies the request for a variance, the RA shall provide written notice stating the reasons for the denial to the employer, the appropriate State agency and the local Job Service office. The notice shall also offer the employer an opportunity to request a hearing before a DOL Hearing Officer, provided the employer requests such a hearing from the RA within 30 calendar days of the date of the notice. The request for a hearing shall be handled in accordance with the employment service complaint procedures set forth at §§ 658.421 (i) and (j), 658.422 and 658.423 of this Chapter.

(e) The procedures of paragraphs (a) through (d) of this section shall only apply to an employer who has chosen, as evidenced by its written request for a variance, to comply with the ETA housing standards at §§ 654.404—654.417 of this Subpart.

#### § 654.403 Conditional access to the intrastate or interstate clearance system.

(a) An employer whose housing during a period of nonuse has fallen out of compliance and who has not had a reasonable opportunity to bring its housing into compliance with the applicable standards may file, but only with the local Job Service office serving the area in which its housing is located, a written request that its job orders be conditionally allowed into the intrastate or interstate clearance system, provided:

(1) The employer's request includes a written statement, verified by the local Job Service office serving the area in which the housing is located, that the employer's housing was in compliance with the applicable housing standards during the period of its use in the previous year, and that, if the employer was granted such a request in the previous year, the employer complied with the conditions of that authorization; and

(2) The employer's request assures that its housing will be in full compliance with the requirements of the applicable housing standards at least 45 days (giving the specific date) before the housing is to be occupied.

(b) Upon receipt of a written request for conditional access to the intrastate or interstate clearance system under paragraph (a) of this section, the local Job Service office shall send the request to the State office which, in turn, shall forward it to the Regional Administrator, Employment and Training Administration (RA). The RA shall review the matter and, as appropriate, shall either grant or deny the request.

(c) The authorization for conditional access to the intrastate or interstate clearance system shall be in writing,

and shall state that although the housing does not comply with the applicable standards, the employer's job orders may be placed into intrastate or interstate clearance until a specified date. The RA shall send the authorization to the employer and shall send copies to the appropriate State agency and local Job Service office. The employer shall submit and the local Job Service office shall attach copies of the authorization to each of the employer's job orders which is placed into intrastate or interstate clearance.

(d) If the RA denies the request for conditional access to the intrastate or interstate clearance system, the RA shall provide written notice stating the reasons for the denial to the employer, the appropriate State agency and the local Job Service office.

(e) The local Job Service office serving the area containing the housing of any employer granted conditional access to the intrastate or interstate clearance system shall assure that the housing is inspected prior to three working days after the date by which the employer has promised to have its housing in compliance with the requirements of this Subpart. An employer, however, may request an earlier preliminary inspection. If upon inspection, or if on the date set forth in the authorization, whichever is later, the housing does not meet the standards set forth in this Subpart, the local Job Service office shall immediately remove the employer's job orders from intrastate or interstate clearance, and, if workers have been recruited against these orders, shall, in cooperation with the employment service agencies in other States, make every reasonable attempt to locate and notify the appropriate crew leaders or workers, and to find alternative and comparable employment for the workers.

#### Housing Standards

##### § 654.404 Housing site.

(a) Housing sites shall be well drained and free from depressions in which water may stagnate. They shall be located where the disposal of sewage is provided in a manner which neither creates nor is likely to create a nuisance, or a hazard to health.

(b) Housing shall not be subject to, or in proximity to conditions that create or are likely to create offensive odors, flies, noise, traffic, or any similar hazards.

(c) Grounds within the housing site shall be free from debris, noxious plants (poison ivy, etc.) and uncontrolled weeds or brush.

(d) The housing site shall provide a space for recreation reasonably related

to the size of the facility and the type of occupancy.

##### § 654.405 Water supply.

(a) An adequate and convenient supply of water that meets the standards of the State health authority shall be provided.

(b) A cold water tap shall be available within 100 feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage.

(c) Common drinking cups shall not be permitted.

##### § 654.406 Excreta and liquid waste disposal.

(a) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(b) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(c) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system, privies or portable toilets shall be provided. Any requirements of the State health authority shall be complied with.

##### § 654.407 Housing.

(a) Housing shall be structurally sound, in good repair, in a sanitary condition and shall provide protection to the occupants against the elements.

(b) Housing shall have flooring constructed of rigid materials, smooth finished, readily cleanable, and so located as to prevent the entrance of ground and surface water.

(c) The following space requirements shall be provided:

(1) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(2) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(3) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) Housing used for families with one or more children over 6 years of age shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

(e) Separate sleeping accommodations shall be provided for each sex or each family.

(f) Adequate and separate arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

(g) At least one-half of the floor area in each living unit shall have a minimum ceiling height of 7 feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than 5 feet.

(h) Each habitable room (not including partitioned areas) shall have at least one window or skylight opening directly to the out-of-doors. The minimum total window or skylight area, including windows in doors, shall equal at least 10 percent of the usable floor area. The total openable area shall equal at least 45 percent of the minimum window or skylight area required, except where comparably adequate ventilation is supplied by mechanical or some other method.

#### § 654.408 Screening.

(a) All outside openings shall be protected with screening of not less than 16 mesh.

(b) All screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

#### § 654.409 Heating.

(a) All living quarters and service rooms shall be provided with properly installed, operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68°.

(b) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be provided. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, insulated metal sheet, or other fireproof material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(c) Any wall or ceiling within 19 inches of a solid or liquid fuel stove or a stovepipe shall be of fireproof material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof.

(d) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

#### § 654.410 Electricity and lighting.

(a) All housing sites shall be provided with electric service.

(b) Each habitable room and all common use rooms, and areas such as: Laundry rooms, toilets, privies, hallways, stairways, etc., shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(c) Adequate lighting shall be provided for the yard area, and pathways to common use facilities.

(d) All wiring and lighting fixtures shall be installed and maintained in a safe condition.

#### § 654.411 Toilets.

(a) Toilets shall be constructed, located and maintained so as to prevent any nuisance or public health hazard.

(b) Water closets or privy seats for each sex shall be in the ratio of not less than one such unit for each 15 occupants, with a minimum of one unit for each sex in common use facilities.

(c) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(d) Except in individual family units, separate toilet accommodations for men and women shall be provided. If toilet facilities for men and women are in the same building, they shall be separated by a solid wall from floor to roof or ceiling. Toilets shall be distinctly marked "men" and "women" in English and in the native language of the persons expected to occupy the housing.

(e) Where common use toilet facilities are provided, an adequate and accessible supply of toilet tissue, with holders, shall be furnished.

(f) Common use toilets and privies shall be well lighted and ventilated and shall be clean and sanitary.

(g) Toilet facilities shall be located within 200 feet of each living unit.

(h) Privies shall not be located closer than 50 feet from any living unit or any facility where food is prepared or served.

(i) Privy structures and pits shall be fly tight. Privy pits shall have adequate capacity for the required seats.

#### § 654.412 Bathing, laundry, and handwashing.

(a) Bathing and handwashing facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. These facilities shall be clean and sanitary and

located within 200 feet of each living unit.

(b) There shall be a minimum of 1 showerhead per 15 persons. Showerheads shall be spaced at least 3 feet apart, with a minimum of 9 square feet of floor space per unit. Adequate, dry dressing space shall be provided in common use facilities. Shower floors shall be constructed of nonabsorbent nonskid materials and sloped to properly constructed floor drains. Except in individual family units, separate shower facilities shall be provided each sex. When common use shower facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the persons expected to occupy the housing.

(c) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 persons.

(d) Laundry facilities, supplied with hot and cold water under pressure, shall be provided for the use of all occupants. Laundry trays or tubs shall be provided in the ratio of 1 per 25 persons. Mechanical washers may be provided in the ratio of 1 per 50 persons in lieu of laundry trays, although a minimum of 1 laundry tray per 100 persons shall be provided in addition to the mechanical washers.

#### § 654.413 Cooking and eating facilities.

(a) When workers or their families are permitted or required to cook in their individual unit, a space shall be provided and equipped for cooking and eating. Such space shall be provided with: (1) A cookstove or hot plate with a minimum of two burners; and (2) adequate food storage shelves and a counter for food preparation; and (3) provisions for mechanical refrigeration of food at a temperature of not more than 45° F.; and (4) a table and chairs or equivalent seating and eating arrangements, all commensurate with the capacity of the unit; and (5) adequate lighting and ventilation.

(b) When workers or their families are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with: (1) Stoves or hot plates, with a minimum equivalent of two burners, in a ratio of 1 stove or hot plate to 10 persons, or 1 stove or hot plate to 2 families; and (2) adequate food storage shelves and a counter for food preparation; and (3) mechanical refrigeration for food at a temperature of

not more than 45° F.; and (4) tables and chairs or equivalent seating adequate for the intended use of the facility; and (5) adequate sinks with hot and cold water under pressure; and (6) adequate lighting and ventilation; and (7) floors shall be of nonabsorbent, easily cleaned materials.

(c) When central mess facilities are provided, the kitchen and mess hall shall be in proper proportion to the capacity of the housing and shall be separate from the sleeping quarters. The physical facilities, equipment and operation shall be in accordance with provisions of applicable State codes.

(d) Wall surface adjacent to all food preparation and cooking areas shall be of nonabsorbent, easily cleaned material. In addition, the wall surface adjacent to cooking areas shall be of fire-resistant material.

#### § 654.414 Garbage and other refuse.

(a) Durable, fly-tight, clean containers in good condition of a minimum capacity of 20 gallons, shall be provided adjacent to each housing unit for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of 1 per 15 persons.

(b) Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. The disposal of refuse, which includes garbage, shall be in accordance with State and local law.

#### § 654.415 Insect and rodent control.

Housing and facilities shall be free of insects, rodents, and other vermin.

#### § 654.416 Sleeping facilities.

(a) Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots, or bunks, provided with clean mattresses.

(b) Any bedding provided by the housing operator shall be clean and sanitary.

(c) Triple deck bunks shall not be provided.

(d) The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of 27 inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of 36 inches.

(e) Beds used for double occupancy may be provided only in family accommodations.

#### § 654.417 Fire, safety, and first aid.

(a) All buildings in which people sleep or eat shall be constructed and maintained in accordance with applicable State or local fire and safety laws.

(b) In family housing and housing units for less than 10 persons, of one story construction, two means of escape shall be provided. One of the two required means of escape may be a readily accessible window with an openable space of not less than 24 x 24 inches.

(c) All sleeping quarters intended for use by 10 or more persons, central dining facilities, and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape to the outside or to an interior hall.

(d) Sleeping quarters and common assembly rooms on the second story shall have a stairway, and a permanent, affixed exterior ladder or a second stairway.

(e) Sleeping and common assembly rooms located above the second story shall comply with the State and local fire and building codes relative to multiple story dwellings.

(f) Fire extinguishing equipment shall be provided in a readily accessible place located not more than 100 feet from each housing unit. Such equipment shall provide protection equal to a 2½ gallon stored pressure or 5-gallon pump-type water extinguisher.

(g) First aid facilities shall be provided and readily accessible for use at all times. Such facilities shall be equivalent to the 16 unit first aid kit recommended by the American Red Cross, and provided in a ratio of 1 per 50 persons.

(h) No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use.

(i) Agricultural pesticides and toxic chemicals shall not be stored in the housing area.

### PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

#### § 655.202 [Amended]

9. Paragraph (b)(1) of § 655.202, *Contents of job offers* is revised to read as follows:

(1) The employer will provide the worker with housing without charge to the worker. The housing will meet the full set of standards set forth at 29 CFR 1910.142 or the full set of standards set forth at Part 654, Subpart E of this chapter, whichever is applicable under the criteria of 20 CFR 654.401; except that, for mobile range housing for sheepherders, the housing shall meet existing Departmental guidelines. When it is the prevailing practice in the area of

intended employment to provide family housing, the employer will provide such housing to such workers.

Signed at Washington, D.C. this 28th day of February, 1980.

Ray Marshall,  
Secretary of Labor.

[FR Doc. 80-6779 Filed 3-3-80; 8:45 am]

BILLING CODE 4510-30-M

### Employment Standards Administration

#### 29 CFR Part 40

#### Farm Labor Contractor Registration, Housing for Agricultural Workers; Cross-Reference Updated

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

**SUMMARY:** This document updates the cross-reference in the Farm Labor Contractor Registration regulations to the Employment and Training Administration (ETA) housing standards. This change is necessary to reflect the amendment and renumbering of the ETA standards published on this date.

**EFFECTIVE DATE:** April 3, 1980.

#### FOR FURTHER INFORMATION CONTACT:

Paul E. Myerson, Counsel for Employment Standards, Division of General Legal Services, Office of the Solicitor of Labor, 200 Constitution Avenue NW., Room N-2458, Washington, D.C. 20210, Telephone: (202) 523-8244.

**SUPPLEMENTARY INFORMATION:** The Employment and Training Administration (ETA) of the Department of Labor published in today's issue of the Federal Register a document to amend and transfer the ETA housing regulations from 20 CFR Part 620 to Subpart E of Part 654. The Department hereby amends the cross-reference to the ETA regulations contained in the Farm Labor Contractor Registration regulations to reflect the renumbering of the ETA regulations.

Since this technical revision to the Department's regulations is purely procedural and involves no change in the substance of the rule, the Department finds that notice and public procedure under the Administrative Procedure Act are unnecessary. This finding also constitutes a waiver of the Department's regulation at 29 CFR 2.7.

Accordingly, Title 29, Subtitle A of the Code of Federal Regulations is amended as follows: